

# PBW

*Consulting Engineers  
and Scientists*

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SUPERFUND DIV.  
REMEDIAL BRANCH  
(6SF-P)

PASTOR, BEHLING & WHEELER, LLC  
2201 Double Creek Dr., Suite 4004  
Round Rock, TX 78664

Tel (512) 671-3434  
Fax (512) 671-3446

November 16, 2010  
(PBW Project No. 1597)

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

Mr. Gary Miller, On-Scene Coordinator  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6SF-NA)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Ms. Rita Engblom, On-Scene Coordinator  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6SF-PR)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Ms. Barbara A. Nann, Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6RC-S)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Re: Transmittal of Updated Insurance Certificate and Policies Information - Removal Action,  
Gulfco Marine Maintenance Site, Freeport, Texas

Dear Mr. Miller, Ms. Engblom and Ms. Nann:

Pursuant to Section XXV, Paragraph 91 of the Administrative Settlement Agreement and Order on Consent for Removal Action, effective October 29, 2010, for the above-referenced Site, Pastor, Behling & Wheeler, LLC (PBW), on behalf of LDL Coastal Limited LP (LDL), Chromalloy American Corporation (Chromalloy) and The Dow Chemical Company (Dow), herewith provides updated information relative to the insurance certificates and policies previously submitted to you on November 2, 2010. This information includes the following:

- Insurance Certificate for Effective Environmental, Inc. (EEI) – A certificate with a date of November 12, 2010 and correction of a typographical error is provided as Attachment A to this letter.
- Revised General Liability Policy Additional Insured Endorsement Pages for Pastor, Behling & Wheeler, LLC (PBW) – To clarify the additional insured endorsement provided in PBW's general liability insurance policy, supplemental endorsement pages to this policy are provided as Attachment B to this letter.



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Mr. Miller, Ms. Engblom and Ms. Nann  
November 16, 2010  
Page 2 of 2

Thank you for the opportunity to submit this information. Should you have any questions, do not hesitate to contact me.

Sincerely,

PASTOR, BEHLING & WHEELER, LLC

A handwritten signature in black ink, appearing to read 'Eric F. Pastor', with a stylized, flowing script.

Eric F. Pastor, P.E.  
Principal Engineer

cc: Mr. Ray Merrell – Sequa Corporation  
Mr. Brent Murray – Environmental Quality, Inc.  
Mr. Donnie Belote - The Dow Chemical Company  
Mr. Allen Daniels - LDL Coastal Limited, LP  
Mr. F. William Mahley - Strasburger & Price, LLP  
Mr. James C. Morriss III - Thompson & Knight, LLP  
Ms. Elizabeth Webb - Thompson & Knight, LLP  
Mr. Greg Blomquist – EEI  
Mr. Tony Maag - EEI

**ATTACHMENT A**

**EFFECTIVE ENVIRONMENTAL, INC.  
INSURANCE CERTIFICATE**

<b>ACORD CERTIFICATE OF LIABILITY INSURANCE</b>		OPID MV EFEC-2	DATE (MM/DD/YYYY) 11/12/10
<b>PRODUCER</b>  Insurance Alliance 1776 Yorktown, Ste 200 Houston TX 77056 Phone: 713-966-1776 Fax: 713-966-1700		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
<b>INSURED</b>  Effective Environmental, Inc. 2515 S. Beltline Rd. Mesquite TX 75181		<b>INSURERS AFFORDING COVERAGE</b>	<b>NAIC #</b>
		INSURER A: Chartis Specialty Insurance Co	
		INSURER B: Commerce & Industry Ins Co	19410
		INSURER C: Texas Mutual Ins Co	22945
		INSURER D: Argonaut Insurance Co	
		INSURER E:	

#### COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS			
A	X		<b>GENERAL LIABILITY</b>	PROP12427439	09/23/10	03/23/12	EACH OCCURRENCE	\$ 1000000		
			<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300000		
			<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$ 25000		
			<input checked="" type="checkbox"/> PLL & CPL - CM				PERSONAL & ADV INJURY	\$ 1000000		
			<input checked="" type="checkbox"/> Professional-CM				GENERAL AGGREGATE	\$ 2000000		
			GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	\$ 2000000		
			<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC							
B	X		<b>AUTOMOBILE LIABILITY</b>	CA7574012	09/23/10	03/23/12	COMBINED SINGLE LIMIT (Ea accident)	\$ 1000000		
			<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$		
			<input type="checkbox"/> ALL OWNED AUTOS				INCL MCS-90 & FORM E FILI	BODILY INJURY (Per accident)	\$	
			<input type="checkbox"/> SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident)	\$	
			<input checked="" type="checkbox"/> HIRED AUTOS				CA7574012	09/23/10	03/23/12	
			<input checked="" type="checkbox"/> NON-OWNED AUTOS				CA7574012	09/23/10	03/23/12	
			<input checked="" type="checkbox"/> Hired Car Phys Da				CA7574012	09/23/10	03/23/12	
B			<input checked="" type="checkbox"/> Phys Dam Deductib	\$5,000 COMP & COLL	09/23/10	03/23/12				
			<b>GARAGE LIABILITY</b>				AUTO ONLY - EA ACCIDENT	\$		
			<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC	\$		
							AUTO ONLY: AGG	\$		
A	X		<b>EXCESS/UMBRELLA LIABILITY</b>	PROU12435606	09/23/10	03/23/12	EACH OCCURRENCE	\$ 9000000		
			<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$ 9000000		
			<input type="checkbox"/> DEDUCTIBLE					\$		
			<input checked="" type="checkbox"/> RETENTION \$10000					\$		
C D			<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>	TSF0001136440 - TX WC47734828634 - OK	09/23/10	09/23/11	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER			
			ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT	\$ 1000000		
			If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	\$ 1000000		
							E.L. DISEASE - POLICY LIMIT	\$ 1000000		
A			<b>Pollution Legal Li</b>	PROP12427439	09/23/10	03/23/12	Poll Lega	1,000,000		
			<b>Contractors Pollut</b>	PROP12427439	09/23/10	03/23/12	Contr Pol	1,000,000		

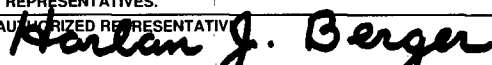
#### DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

The Auto Liability & General Liability policies are hereby endorsed as follows: The United States Environmental Protection Agency, Client, Owner and Consultant are Additional Insured and provided Waiver of Subrogation as required by insured's executed written contract with Consultant. Umbrella follows form of underlying. The United States Environmental - SEE PAGE 3 -

#### CERTIFICATE HOLDER

<b>PASTO-1</b>  Pastor, Behling & Wheeler, LLC 2001 Double Creek Dr., #4004 Round Rock TX 78664
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#### CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
AUTHORIZED REPRESENTATIVE 

## **IMPORTANT**

If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

## **DISCLAIMER**

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

**NOTEPAD:**HOLDER CODE PASTO-1  
INSURED'S NAME Effective Environmental, Inc.EFFEC-2  
OP ID MVPAGE 3  
DATE 11/12/10

Protection Agency, the Client and its employees, officers, directors, agents, partners successors, and assigns and Consultant and its employees, officer, directors, agents, partners, successors, and assigns are named as Additional Insured as respects General Liability & Automobile Liability without regard to fault or negligence, in whole or part, of such Additional Insured, as required by executed written contract when Additional Insured is provided primary on General Liability & Automobile Liability and not contributory only on the General Liability. Workers' Compensation policies have been endorsed to provide, Waiver of Subrogation and as evidenced by this Certificate of Insurance, that in the event that the insurance is canceled, reduced, restricted or changed in any way, the company will provide at least thirty (30) days prior written notice to the consultant.

Consultant: Pastor, Behling &amp; Wheeler LLC

Client: Chromally American Corporation and The Dow Chemical Company

**ATTACHMENT B**

**SUPPLEMENTAL PASTOR, BEHLING & WHEELER, LLC  
INSURANCE POLICY ENDORSEMENT PAGES**

## **Additional Insured – Owners, Lessees or Contractors – Automatic Status When Required in Construction Agreement with You**

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This endorsement, effective 11/9/2010 attaches to and forms a part of Policy Number ECC101006203-01. This endorsement changes the Policy. Please read it carefully.

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This endorsement modifies insurance provided under the following:

### **COMMERCIAL GENERAL LIABILITY COVERAGE PART**

**A. Section II – Who Is An Insured** is amended to include as an additional insured any person or organization for whom you are performing operations when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy. Such person or organization is an additional insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured.

A person's or organization's status as an additional insured under this endorsement ends when your operations for that additional insured are completed.

**B.** With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

1. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
  - a. The preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or
  - b. Supervisory, inspection, architectural or engineering activities.
2. "Bodily injury" or "property damage" occurring after:
  - a. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or



- b. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

## Additional Insured – Owners, Lessees or Contractors – Completed Operations

This endorsement, effective 11/9/2010 attaches to and forms a part of Policy Number  
ECC101006203-01. This endorsement changes the Policy. Please read it carefully.

In consideration of an additional premium of [REDACTED], this endorsement modifies insurance provided under the following:

### COMMERCIAL GENERAL LIABILITY COVERAGE PART

#### SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location And Description Of Completed Operations
<p>The Dow Chemical Co, the United States Environmental Protection Agency and client and its employees, officers, directors, agents, partners, successors and assigns 2030 Dow Center Midland, MI 48674</p> <p>Sequa Corporation, the United States Environmental Protection Agency, and client and its employees, officers, directors, agents, partners, successors and assigns 212 US Highway 1, Suite 18 Tequesta, FL 33469</p>	As provided by contract.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

**Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".